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MISCELLANY

NEW TARIFF OF MINIMUM FEES—RICHMOND BAR ASSOCIATION.—In 10 Va. Law Reg. 839 we gave the tariff as it then existed. We give it below in full as recently amended:

SUPREME COURT OF APPEALS OF VIRGINIA.

Simple motion, not less than	\$ 25.00
Preparing brief and argument of case not less than.....	100.00

UNITED STATES CIRCUIT COURT OF APPEALS

Simple motion, not less than.....	25.00
Preparing brief and argument of case, not less than.....	100.00

CHANCERY CAUSES.

Uncontested plain chancery suit, where amount involved is under \$500, not less than.....	30.00
where amount is \$500 or over, not less than.....	50.00
Contested chancery suit, not less than.....	50.00
Uncontested divorce suit, not less than.....	50.00
Contested divorce suit, not less than.....	100.00
Motion for probate of will, not less than.....	10.00
Motion for appointment of administrator, not less than.....	10.00
Motion for substitution of trustee on notice, not less than.....	15.00
Attending taking depositions in city—per day—not less than.....	10.00
Attending taking depositions out of city—per day—in addition to expenses not less than.....	20.00
Attending before commissioner in chancery when specially employed for the purpose—not less than.....	10.00

ACTIONS AT LAW.

Uncontested action or motion to recover money in court of record, where amount involved is under \$200, not less than.....	\$ 10.00
where amount is over \$200 and under \$500, not less than 5 per cent.	
where amount is over \$500, not less than.....	25.00
Contested action or motion,	
where amount involved is under \$100, not less than	10.00
where amount is over \$100 and under \$250, not less than.....	20.00
where amount is over \$250, not less than.....	25.00
Ordinary motions in courts of record, other than to recover money, not less than.....	10.00

BANKRUPTCY.

Filing petition in voluntary bankruptcy and securing discharge of
bankrupt, not less than..... \$ 50.00

MISCELLANEOUS FEES

Writing power of attorney, not less than.....	\$ 5.00
Writing ordinary contract, where amount involved is under \$200, not less than.....	5.00
where amount involved is \$200 or over, not less than.....	10.00

Writing ordinary deed of bargain and sale, not less than.....	5.00
Writing ordinary deed of trust to secure money, not less than....	5.00
Writing deed creating trust estate, not less than.....	10.00
Writing deed of release or superintending or marking a marginal release, not less than.....	5.00
Preparing labor lien, not less than	5.00
Preparing mechanic's or supply lien, not less than.....	10.00
Writing commissioner's deed by order of court, not less than.....	10.00
Writing homestead deed, not less than.....	10.00
Writing will, not less than.....	10.00
Oral opinion, not less than.....	5.00
Written opinion, not less than.....	10.00
Preparing charter of corporation, where minimum stock is \$5,000 or under, not less than.....	25.00
where minimum stock is over \$5,000, not less than.....	50.00
Preparing by-laws and superintending organization of corporation, where minimum stock is \$5,000 or under, not less than.....	25.00
where minimum stock is over \$5,000, not less than.....	50.00
<i>NOTE: This tariff is not to apply to educational or eleemosynary corporations.</i>	
Appearing before State boards or departments, not less than... ..	25.00
Appearing before City Council, boards, committees, etc., not less than.... ..	25.00
Complete examination of title, not less than.....	10.00

CRIMINAL CASES.

Misdemeanors in courts of record, not less than	\$ 10.00
Felonies in courts of record, not less than.....	25.00

COLLECTIONS.

Minimum fee for collecting any claim, not less than.....	3.00
Collecting claim of \$300 or under, not less than 10 per cent.	
Collecting claim over \$300 and not more than \$1,000, not less than 7½ per cent.	
Collecting claim over \$1,000, not less than 5 per cent.	

In collecting claims received from other attorneys, one-third of fee and commission should be remitted to the sending attorney.

Nothing herein contained shall be applicable to any agreement for contingent fees. And all fees herein fixed are subject to the proviso that, where one-half of the amount in controversy is less than the minimum fee, such one-half, except in courts of appeal, shall be deemed the minimum fee.

The above tariff is to be considered the minimum charge to be made in any case, but the attorney is expected to charge more in proportion to the amount involved, the responsibility entailed, and the necessary labor bestowed.

RULES AND REGULATIONS FOR LICENSING PERSONS TO PRACTICE LAW.

Issued by Supreme Court of Appeals of Virginia, September Term, 1905.
(For former Rules see 10 Va. L. R. 559.)

1. Every person applying for a license to practice law must first have obtained from the circuit court for the county, or the corporation court of the city wherein he resides, a certificate that he is a person of honest demeanor, is over the age of twenty-one years, and has resided in this state the preceding six months. The application for such certificate shall be by writing, addressed to the court, specifying the day when the motion therefor to the court will be made, and be accompanied by the written recommendation of two members of the bar of his judicial circuit, who are practicing attorneys in this court, that he is of good moral character and a proper person to be licensed to practice law. Such application and recommendations shall be filed with the clerk of such circuit or corporation court ten days before the day on which the court will be asked to grant the said certificate, and a copy thereof forthwith delivered by the clerk to the judge of the court, provided, however, that any person over nineteen years of age who has studied law for a period of two years in a law school of this state, or in the office of a practicing attorney of this state, and who is otherwise qualified to take the State bar examination, shall be allowed to take such examination; provided, further, that no certificate to practice shall issue to such person until he shall have attained the age of twenty-one years. In the event the applicant is over nineteen, but under twenty-one years of age, the exact date when the applicant will be twenty-one must be stated in the application so that this court will know when the license can be issued to such applicant.

2. Every applicant for examination for a license to practice law shall file with the clerk of this court, not less than three days prior to the first day of the term at which he proposes to be examined, such certificate of his circuit or corporation court, and also a certified copy of his application therefor, and of the recommendation of the members of the bar, which accompanied the same, which, in the absence of evidence to the contrary, will entitle him to be examined for a license.

3. An annual examination will be held as follows: At Richmond on the first Friday of the January term, and at Wytheville on the third Friday after the first Tuesday in June. No examination of any applicant will be made at any other time than on the days herein named.

4. The questions and answers of every examination will be in writing, but where the judges are in doubt as to the result of the examination of any applicant, he shall be liable also to an oral examination.

5. All applicants will be liable to be examined on the following subjects, viz: Real and Personal Property, Domestic Relations, Contracts, Agency, Partnership, Negotiable Instruments, Insurance, Corporations, Wills and Personal Representatives, Torts, Equity Jurisprudence, Pleading and Practice at Law and in Equity, Evidence, Crimes and Criminal Procedure, Powers and Duties of the Corporation Commission, and the Code of Virginia.

6. Every applicant will be required to affix to his examination, and subscribe with his own name, the following pledge: "I hereby certify that I have neither received nor given aid or assistance in any manner during this examination."

BUILDING AND LOAN ASSOCIATIONS—FILING CHARTER—SECS.1180B (2), 1104, VA. CODE 1904—Sec. 1180 b (2), Va. Code, 1904, requires Foreign Building and Loan Associations to file duly authenticated copies of their charters in the office of the secretary of the commonwealth.

Sec. 1104, Va. Code 1904 requires all foreign corporations proposing to do business in this state, to file duplicate copies of powers of attorney and charters with the state corporation commission, one of which is to be sent to the office of the secretary of the commonwealth.

This latter statute may be found in Acts 1902-3-4. p. 360, and therefore if the two be inconsistent, the latter prevails over the former. While they may not be inconsistent in their requirements, since the enactment of the latter the former is unnecessary; for the purpose of the section—viz: the filing of a copy of its charter in the office of the secretary of the commonwealth—is accomplished by the provisions of the latter section; and therefore the provision in 1180b, paragraph 2, should be repealed.

C. B. G.

RE-INSTATEMENT OF CAUSE AFTER FINAL DECREE.

Editor Virginia Law Register:

In *Echols v. Brennan*, 99 Va. 150, it was held that a decree striking a cause from the docket under the five years rule is an adjudication that everything has been done in the cause which the court intended to do, and is final, and the cause cannot be reinstated on the docket after the lapse of one year without the consent of all the parties to be affected thereby.

Doubtless in consequence of this decision and, as I have been told, with a view of meeting the exigencies of a pending case, application was made to the legislature of 1899-1900, which enacted as follows:

"Any cause, notwithstanding there has been a final decree therein, may be re-instated for the purpose of appointing a special commissioner in the place of one who has died, or become otherwise incapacitated, before executing an order directing a conveyance, to carry such order into effect." (Acts 1899-1900, p. 582).

This act was amended and re-enacted by the legislature of 1901-'02 (Acts, p. 384) so as to read as follows:

"Any cause, notwithstanding there has been a final decree therein, may be re-instated for the purpose of entering an order directing a deed to be made to any party which the record may show is entitled thereto, and for the purpose of appointing a special commissioner in the place of one who has died, or become otherwise incapacitated, before executing an order directing a conveyance, to carry such order into effect."

The statute is given a place in Pollard's Virginia Code, Annotated, 1904, as Sec. 3418a. While its insertion in chapter 167, touching decrees of sale, is doubtless appropriate, some difficulty may be experienced by others as was encountered by me in an effort to locate it. The dominant idea in the act is "re-instatement," and it might well have been inserted as Sec. 3312a, but the index under the title "Re-instatement," contains no mention of it. Nor is it referred to under the title of "Equity" or "Pleading." It is, however, indexed under the title "Judgments and Decrees," sub-title "Correction and Review." This the experienced compiler of the index doubtless considered a sufficient "indication."

As there is reason to believe that many lawyers are not aware of this comparatively recent enactment, I write, first, to call attention to it, and, second, to suggest the advisability of a pen-and-ink supplement to their Codes of 1904, under the titles "Re-instatement," and "Equity." No criticism is implied of the admirable work of Mr. Pollard, to whom the bench and bar of the State are under permanent obligation. He has not only complied and annotated the general statutes of the State, but has corraled, branded and ear-marked its fugitive and special legislation—always a subject of apprehension and concern, but absolutely necessary to the thoroughness of any inquiry.

Respectfully yours,

George Bryan.

Richmond, November 10, 1905.

[We thank Mr. Bryan for his suggestion which we have accordingly adopted. The statute will also be found indexed under "Special Commissioners' Deeds."—Editor.]